

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LEPATRICK FEATHERSTON, and  
individual, on behalf of himself and all persons  
similarly situated,

Plaintiffs,

vs.

LAZER SPOT, INC., a foreign corporation;  
EMPLOYEE(S)/AGENT(S) DOES I-X; and  
ROE CORPORATIONS XI-XX, inclusive,

Defendants.

Case No. 2:17-cv-01221-APG-GWF

**STIPULATION AND ~~PROPOSED~~  
ORDER DENYING WITHOUT  
PREJUDICE PLAINTIFF'S MOTION  
FOR CIRCULATION OF NOTICE OF  
THE PENDENCY OF THIS ACTION  
PURSUANT TO 29 U.S.C. 216(b) AND  
FOR OTHER RELIEF**

Defendant Lazer Spot, Inc. ("Lazer Spot"), and Plaintiff Lepatrick Featherston ("Plaintiff"), by and through their attorneys, hereby stipulate and agree that Plaintiff's Motion for Circulation of Notice of the Pendency of this Action Pursuant to 29 U.S.C. 216(b) and for Other Relief ("Motion for Conditional Certification") (Doc. No. 16) shall be denied without prejudice. On June 27, 2017, the Court entered the parties' proposed Scheduling Order. (Doc No. 21). Pursuant to the Scheduling Order, the parties will engage in phased discovery and motions practice. Phase 1 will be limited to the application of the Motor Carrier Act exemption to Plaintiff. If no Motion for Summary Judgment is filed upon completion of Phase 1, or if resolution of a filed Motion for Summary Judgment results in the case proceeding, Plaintiff may file a Motion for Conditional Certification, including a renewal of his request for equitable tolling of the FLSA statute of limitations. This Stipulation is consistent with this Court's previous ruling in *Gaspar v. Supershuttle*, 15-cv-02149, Dkt. 33 and Dkt. 40.

Further, as the parties have agreed to such stipulation herein, the parties respectfully request that the hearing currently scheduled for 8/10/2017 at 9:30 am on Plaintiff's Motion, Dkt 16, be vacated pursuant to the terms of this Stipulation.

DATED: July 12, 2017

Respectfully submitted,

/s/ Christian Gabroy  
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Counsel for Defendant  
LAZER SPOT, INC.

IT IS SO ORDERED:

  
Hon. George Foley, Jr.  
United States Magistrate Judge

Dated: July 13, 2017